

Remarks:

Reconsideration of the application is requested.

Claims 1-7 and 9-24 remain in the application. Claims 1 and 24 have been amended. Claim 8 has been cancelled.

In item 3 on page 3 of the above-identified Office action, claims 1-24 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that in claim 1 it is not clear whether the housing holds the "semiconductor product" and it is unclear if the combination of the tool, load port table and metrology device is being claimed or just the metrology device.

The language of claim 1 has been mended to even more clearly define the invention of the instant application. It is now clear from the language that claim 1 claims a metrology device (10) to be coupled to the load port (20) of a semiconductor product tool (1). The housing may contain the upper portion (13) or the complete housing of the metrology device including the support (11, 12) (see page 16, lines 1-4 of the specification). The semiconductor product (5) is received through an opening (16) of the coupling region (14) to the

measuring device (19) (see claim 12 and Fig. 2C). In this sense, the housing does hold the semiconductor product (5).

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 1 on pages 2-3 of the above-mentioned Office action, claims 1-6, 8-19, and 21-24 have been rejected as being unpatentable over Tegeder et al. (European Patent Application Publication No. EP 1 139 390 A1) under 35 U.S.C. § 103(a).

Applicants respectfully note that the document Tegeder et al. has a publication date of **October 4, 2001**. As set forth in the Declaration of record, the instant application claims international priority of the European Application No.

01105179.4, filed **March 2, 2001**, under 35 U.S.C. § 119.

Pursuant to 35 U.S.C. § 119, Applicants are entitled to the priority date of the European application. See MPEP 201.13.

Thus, the instant application predates Tegeder et al. Because

the document Tegeder et al. was published after the priority date of the instant application, Applicants respectfully believe that the document Tegeder et al. is unavailable as prior art.

Applicants have filed a Claim for Priority including a certified copy of European Application No. **01105179.4**, which was filed in English, on March 4, 2002. Accordingly, Applicants respectfully believe that priority has been perfected and the document Tegeder et al. is unavailable as prior art. Therefore, Applicants respectfully submit that the Section 103 rejection on pages 2-3 of the Office action is now moot.

Applicants acknowledge the Examiner's statement in item 4 on page 3 of the above-mentioned Office action that claims 7 and 20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

Since the claims are believed to be patentable because the document Tegeder et al. is not available as prior art as discussed above, a rewrite is therefore believed to be unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-7 and 9-24 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

YHC:cgm

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